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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,053	07/29/2003	Abdul Wahid Khan	NAC / 96DV	5911
26875	7590	05/24/2005	EXAMINER	
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			HARAN, JOHN T	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/629,053

Applicant(s)

KHAN ET AL.

Examiner

John T. Haran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/10/03, 2/9/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on 11/10/03 and 2/9/04 have been considered by the examiner.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Turner (U.S. Patent 5,571,721).

Turner discloses a method of making a multi-well test plate including a transparent panel and an upper frame portion with a plurality of walls defining adjacent wells arranged in a grid pattern that are attached with an adhesive layer that corresponds to the grid pattern (See Figure 2; Column 7, line 42). Turner discloses utilizing a light curable adhesive and it is inherent that the use of a light curable adhesive would involve curing it with light (Column 4, lines 47-51). Turner anticipates claim 1.

Regarding claim 7, Turner teaches the upper frame portion is a transparent polymer and the transparent panel is glass (Column 7, lines 34-49).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6 and 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (U.S. Patent 5,571,721).

Turner is relied upon for the teachings note above.

Regarding claim 2, Turner appears to be silent whether the adhesive is applied in the grid pattern to the panel or the frame, however one skilled in the art would have readily appreciated that it would have to be applied to one of them and that the two options are obvious alternate expedients. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the adhesive in the grid pattern to the panel in the method of Turner.

Regarding claim 2, it is notoriously well known and conventional in the art to apply adhesive to a substrate in a pattern using a silk screening process and it would have been obvious to use such a notoriously conventional process in the method of Turner.

Regarding claims 4 and 5, Turner teaches that the adhesive does not enter into the wells (Figure 3).

Regarding claim 6, one skilled in the art would have readily appreciated aligning before contacting in order to avoid getting adhesive into the well and furthermore it is

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conventional to align before contacting with an adhesive in order to avoid spreading adhesive into areas it is not desired to be located.

Regarding claim 8, Turner teaches using an inert plastic for the panel and one skilled in the art would have readily appreciated using an inert plastic similar to that taught for the frame, such as a transparent polymer (Column 7, lines 34-49). It would have been obvious to do so in the method of Turner.

Regarding claims 8-14, one skilled in the art would have readily appreciated that both visible light curing adhesive and uv curable adhesives are conventional light curable adhesives and it would have been obvious to use either. Furthermore, one skilled in the art would have readily appreciated directing the light to the adhesive through the transparent panel.

Regarding claims 15-17, these limitations are taken as being conventional and therefore obvious.

Regarding claim 18, it is notoriously well known and conventional in the art to apply adhesive in a pattern using a screen printing process wherein adhesive is placed on the screen and then wiped across the screen to urge it through portions of the screen on to the substrate. Also one skilled in the art would have readily appreciated that the adhesive in the method of Turner would have to be applied to either the panel or the frame and that the two options are obvious alternate expedients. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use such a notoriously well known and conventional process for applying the adhesive in a grid pattern to the panel in the method of Turner.

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Regarding claims 19 and 20, one skilled in the art would have readily appreciated that both visible light curing adhesive and uv curable adhesives are conventional light curable adhesives and it would have been obvious to use either. Furthermore, one skilled in the art would have readily appreciated directing the light to the adhesive through the transparent panel.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John T. Haran whose telephone number is (571) 272-1217. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John T. Haran  
Examiner  
Art Unit 1733